

**A RESOLUTION  
BY CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO RENEWAL AGREEMENT NO. 2 WITH STEWART BROTHERS, INC., FOR FC-3006007977, ANNUAL CONTRACT FOR ASPHALTIC CONCRETE PAVEMENT MILLING AND RESURFACING, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED NINE MILLION FIVE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$9,500,000.00); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM PROJECT AWARD TASK EXPENSE AND ORGANIZATION 17102445.505821445.101.5414002 AND FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5058 (2004 WATER & WASTEWATER BOND FUND) 170215 (DWM WASTEWATER SEWER REPAIR) 5414002 (FACILITIES NOT BUILDINGS-CIP) 4333000 (NEW SEWER SERVICES) 102445 (SEWER GROUP 2 REHABILITATION); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") entered into an agreement with Stewart Brothers, Inc., for FC-3006007977, Annual Contract for Asphaltic Concrete Pavement Milling and Resurfacing on July 19, 2007; and

**WHEREAS**, the original term of the agreement was for one (1) year with two (2) one (1) year renewal options at the City's sole discretion; and

**WHEREAS**, the City did enter into Renewal Agreement No. 1 with a term of July 19, 2008 to July 18, 2009, pursuant to Resolution 07R0568; and

**WHEREAS**, Stewart Brothers, Inc. has performed the contracted services to the satisfaction to the Department of Watershed Management and the City; and

**WHEREAS**, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer have recommended Renewal Agreement No. 2 with Stewart Brothers, Inc., for FC-3006007977 for time-only.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES** that the Mayor is authorized to enter Renewal Agreement No. 2 with Stewart Brothers, Inc., for FC-3006007977, Annual Contract for Asphaltic Concrete Pavement Milling and Resurfacing, on behalf of the Department of Watershed Management for time-only.

**BE IT FURTHER RESOLVED**, that the term of Renewal Agreement No. 2 will be from July 19, 2009 to July 18, 2010.

**BE IT FURTHER RESOLVED**, that the Chief Procurement Officer is directed to prepare an appropriate Agreement for execution by the Mayor.

**BE IT FURTHER RESOLVED**, that the Agreement will not become binding on the City, and the City will incur no obligation or liability under it until it has been approved as to form by the City Attorney, executed by the Mayor, attested to by the Municipal Clerk, and delivered to Stewart Brothers, Inc.

**BE IT FURTHER RESOLVED**, that the funding of the Agreement shall be subject to and expressly contingent upon the City's adoption and approval of the FY 2010 budget and the appropriation of sufficient funds to the associated funding sources.

**BE IT FINALLY RESOLVED**, that all contracted work shall be charged to and paid from Project Award Task Expense and Organization 17102445.505821445.101.5414002 and Fund Department Organization and Account Number 5058 (2004 Water & Wastewater Bond Fund) 170215 (DWM Wastewater Sewer Repair) 5414002 (Facilities Not Buildings-CIP) 4333000 (New Sewer Services) 102445 (Sewer Group 2 Rehabilitation).

## LEGISLATIVE SUMMARY

TO: City Utilities Committee

### CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO RENEWAL AGREEMENT NO. 2 WITH STEWART BROTHERS, INC., FOR FC-3006007977, ANNUAL CONTRACT FOR ASPHALTIC CONCRETE PAVEMENT MILLING AND RESURFACING, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT IN AMOUNT NOT TO EXCEED NINE MILLION FIVE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$9,500,000.00); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM PROJECT AWARD TASK EXPENSE AND ORGANIZATION 17102445.505821445.101.5414002 AND FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER ,5058 (2004 WATER & WASTEWATER BOND FUND) 170215 (DWM WASTEWATER SEWER REPAIR) 5414002 (FACILITIES NOT BUILDINGS-CIP) 4333000 (NEW SEWER SERVICES) 102445 (SEWER GROUP 2 REHABILITATION); AND FOR OTHER PURPOSES.

Committee Meeting Date:	May 26, 2009
Council Meeting Date:	June 1, 2009
Legislation Title:	Fc-3006007977, Annual Contract For Asphaltic Concrete Pavement Milling And Resurfacing
Requesting Dept.:	Watershed Management
Contract Type:	Construction, ITB
Advertisement:	AJC on 12/17/06 and 12/24/06 City of Atlanta's web site on 12/15/06
Bids/Proposals Due:	January 24, 2007
Invitations Mailed:	Twelve (12)
Bidders/Bids Received:	Two (2) Bidders:
Bidders:	Stewart Bros., Inc. \$5,612,244.50 Kemi Construction Company 6,282,880.00
Contractor:	Stewart Bros. Inc. 2480 Pleasantdale Road Doraville, GA 30340

**Estimated Value:** **\$9,500,000.00**

**Scope Summary:** This is a DWM project to provide Annual Asphaltic Concrete Pavement Milling and Resurfacing Services for one additional year.

Renewal Agreement No. 2 for FC-3006007977 will include an adjusted itemized list of quantities and unit prices to be incorporated into Renewal Agreement No. 2 is summarized in Attachment A. The original year 1 unit prices for the existing contract items have been adjusted to the year 3 unit prices using the December 2006, March 2008 and March 2009 ENR Construction Cost Indexes (20 City Average) in accordance with Section 01200 of the original contract agreement.

**Background:** Original contract executed on July 19, 2007 in a not to exceed amount of \$5,612,244.50; and expires on July 18, 2008.

Renewal Agreement No. 1 was executed with an not to exceed amount of \$7,192,996.20 on July 19, 2008 expires on July 18, 2009

**Evaluation Team:** Representatives from the DWM, the Office of Contract Management and the Department of Procurement.

**Term of Contract:** **One (1) year with two (2) one (1) year renewals**

**Fund Account Centers:** Project Award Task Expense and Organization 17102445.505821445.101.5414002 and Fund Department Organization and Account Number 5058 (2004 Water & Wastewater Bond Fund) 170215 (DWM Wastewater Sewer Repair) 5414002 (Facilities Not Buildings-CIP) 4333000 (New Sewer Services) 102445 (Sewer Group 2 Rehabilitation).

**Prepared By:** **Anthony Stanley**

**Contact Number:** **404-330-6384**



CITY OF ATLANTA  
DEPT. OF PROCUREMENT

09 APR 29 PM 4:40

SHIRLEY FRANKLIN  
MAYOR

**CITY OF ATLANTA**  
55 TRINITY AVENUE, SW, SUITE 5400, SOUTH BLDG.  
ATLANTA, GEORGIA 30303-0324  
OFFICE (404) 330-6081  
FAX (404) 658-7194

DEPARTMENT OF  
WATERSHED MANAGEMENT  
**ROBERT J. HUNTER**  
Commissioner

April 29, 2009

**TO:** Adam L. Smith, Chief Procurement Officer  
Department of Procurement

**FROM:** Robert J. Hunter, Commissioner  
Department of Watershed Management

**SUBJECT: Legislative Request for FC-3006007977 Annual Contract for  
Asphaltic Concrete Pavement Milling & Resurfacing Renewal No. 2**

Please prepare appropriate legislation (**Cycle 9, June 1, 2009**) for the above referenced contract with Stewart Brothers, Inc. in an amount not to exceed \$9,500,000.00 to be charged to and paid from: PROJECT - 17102445, AWARD - 505821445 (2004 WATER & WASTEWATER BOND FUND), TASK-101, EXPENDITURE-5414002(FACILITIES OTHER THAN BLDGS/INFRASTRUCTURE - CIP) , ORGANIZATION - COA

If you have any questions please contact Lawrence Hall, Departmental Contracting Officer, at (404) 330-6151.

Thank you for your assistance in this matter.

c: Shelia Pierce, Deputy Commissioner, DWM  
Sally Mills, Deputy Commissioner, DWM  
Cathy Martin, Deputy Chief Procurement Officer, DOP  
Lawrence Hall, Departmental Contracting Officer, DWM  
Maisha Land, Legislative Liaison, DWM  
Theresa Stewart, Legislative Counsel, DOL  
File

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BY CITY UTILITIES COMMITTEE**

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## CITY OF ATLANTA

Shirley Franklin  
Mayor

SUITE 1700  
55 TRINITY AVENUE, SW  
ATLANTA, GA 30303  
(404) 330-6010 Fax: (404) 658-7359  
Internet Home Page: [www.atlantaga.gov](http://www.atlantaga.gov)

OFFICE OF CONTRACT COMPLIANCE  
Hubert Owens  
Director  
[howens@atlantaga.gov](mailto:howens@atlantaga.gov)

## MEMORANDUM

TO: Adam L. Smith, Chief Procurement Officer  
Department of Procurement

FROM: Hubert Owens, Director *HO*  
Mayor's Office of Contract Compliance

RE: Bid Recommendation for FC 3006007977, Annual Asphaltic Concrete  
Pavement Milling & Resurfacing

DATE: March 6, 2007

The Office of Contract Compliance has reviewed the two bids for minority and female business enterprise participation. Both bidders are eligible under Section 2-1449(a)(2)(C) of the Equal Business Opportunity (EBO) Code of Ordinances and have been deemed responsive by the Office of Contract Compliance. For your information, they have committed to utilize AABEs and FBEs as indicated below:

**Stewart Brothers, Inc.**

RAS Asphalt Paving	AABE 10%
Lori's Paving	FBE 17%
Mother Trucker	FBE 7%
<b>Participation Total</b>	<b>34%</b>

**Kemi Construction**

MST	FBE 3%
P.S. Energy Group	FBE 4%
Precision 2000 Inc.	FBE 10%
Civil Works, Inc.	AABE 17%
<b>Participation Total</b>	<b>34%</b>

If you have questions, please contact me at (404) 330-6010 or Bruce T. Bell at (404) 330-6009.

cc: File  
Lynn T. Portee, DOP



**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** CITY UTILITIES COMMITTEE

**Caption:**

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**Council Meeting Date:** June 1, 2009

**Requesting Dept.:** Watershed Management

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

*Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.*

To enter into renewal no. 2 with Stewart Brothers on  
FC-3006007977 Annual Contract for Asphaltic Concrete  
Pavement Milling & Resurfacing.

**2. Please provide background information regarding this legislation.**

*Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.*

FC-3006007977 Annual Contract for Asphaltic Concrete Pavement Milling & Resurfacing Renewal No. 2 with Stewart Brothers, in the amount of \$9,500,000.00. The terms shall be July 19, 2009 to July 18, 2010.

**3. If Applicable/Known:**

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Construction Agreement

- (b) Source Selection:
- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*): \$9,500,000.00- HEMPHILL: PROJECT -17102445, AWARD -505821445, TASK - 101, EXPENDITURE - 5414002, COA,5058 (2004 Water & Wastewater Bond Fund) 170215 (DWM Wastewater Sewer Repair) 5414002 (Facilities Not Buildings-CIP) 4333000 (New Sewer Services) 102445 (Sewer Group 2 Rehabilitation) 21445 (DWM 2004 Bond 9999).

Fund: \_\_\_\_\_ Account: \_\_\_\_\_ Center: \_\_\_\_\_

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact: \$9,500,000.00-

*Example: This legislation will result in a reduction in the amount of \_\_\_\_\_ to Fund Account Center Number \_\_\_\_\_.*

7. Method of Cost Recovery:

*Examples:*

- a. *Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. *Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Lawrence Hall



TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: \_\_\_\_\_ Maisha L. Wood \_\_\_\_\_

Contact Number: \_\_\_\_\_ (404) 330-6887 \_\_\_\_\_

Originating Department: \_\_\_\_\_ Department of Watershed Management \_\_\_\_\_  
Committee(s) of Purview: \_\_\_\_\_ City Utilities \_\_\_\_\_

Chief of Staff Deadline: \_\_\_\_\_ May 12, 2009 \_\_\_\_\_

Anticipated Committee Meeting Date(s): \_\_\_\_\_ May 26, 2009 \_\_\_\_\_

Anticipated Full Council Date: \_\_\_\_\_ June 1, 2009 \_\_\_\_\_

Legislative Counsel's Signature: \_\_\_\_\_

Commissioner Signature: \_\_\_\_\_ Robert G. Hunter \_\_\_\_\_

Chief Procurement Officer Signature: \_\_\_\_\_ Adam Smith \_\_\_\_\_

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A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO RENEWAL AGREEMENT NO. 2 WITH STEWART BROTHERS, INC., FOR FC-3006007977, ANNUAL CONTRACT FOR ASPHALTIC CONCRETE PAVEMENT MILLING AND RESURFACING, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT IN AMOUNT NOT TO EXCEED NINE MILLION FIVE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$9,500,000.00); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM PROJECT AWARD TASK EXPENSE AND ORGANIZATION 17102445.505821445.101.5414002 AND FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER ,5058 (2004 WATER & WASTEWATER BOND FUND) 170215 (DWM WASTEWATER SEWER REPAIR) 5414002 (FACILITIES NOT BUILDINGS-CIP) 4333000 (NEW SEWER SERVICES) 102445 (SEWER GROUP 2 REHABILITATION); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): n/a

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ Received by LC from CPO: \_\_\_\_\_  
(date) \_\_\_\_\_ 5/12/09 \_\_\_\_\_  
(date) \_\_\_\_\_ (date) \_\_\_\_\_

Received by Mayor's Office: \_\_\_\_\_ Reviewed by: \_\_\_\_\_  
(date) \_\_\_\_\_ (date) \_\_\_\_\_

Submitted to Council: \_\_\_\_\_  
(date) \_\_\_\_\_